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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA

*versus*

DAVID ALLAN VOGEL (1)

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§  
§

CRIMINAL ACTION NO. 4:08cr224

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On January 20, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Release and Exemption from Forfeiture Funds to Pay Attorney's Fees and Defense Costs should be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Defendant's Motion for Release and Exemption from Forfeiture Funds to Pay Attorney's Fees and Defense Costs (Dkt. #133) is **DENIED**.

SIGNED at Beaumont, Texas, this 9th day of February, 2010.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE